

REMARKS

The Office Action states that the oath or declaration "does not have a ribbon properly attached", and further states that a ribbon of the foreign document from which applicant is claiming priority is not attached. The undersigned does not understand that comment or the statement under Block 13(b) on the Office Action's Summary, which states that some of the priority documents have been received. No priority document was submitted with the original papers for this application, although a properly-ribboned certified copy of the priority application is transmitted herewith.

Claims 1-7 stand rejected as anticipated by *Shimada* (5,443,292). The applicant respectfully traverses that rejection.

The applicant is amending Claim 1 to provide a more positive recitation of certain functional limitations already recited therein, and to identify those functional limitations particular recited structural elements in the claim. Those amendments are made only to clarify the original claim and without intent to narrow the scope of the claims.

The rejection of Claim 1 characterizes *Shimada* with respect to Claim 1 as follows:

"...the drive mechanism drives the lock canceling member from a restricting position to a restriction canceling position while returning to the waiting position from the bring-in position while the lock canceling member is restricted to the restriction canceling position,

after returning to the waiting position, the lock canceling member can be moved to restricting position...citing Column 4, Lines 54-68 and Column 5, Lines 1-27."

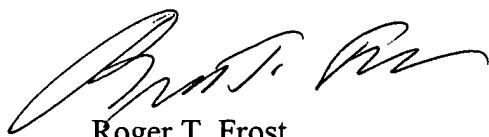
However, those cited portions of *Shimada* do not disclose the structural and functional limitation (recited in Claim 1) that, during a period that a first-member (40) including a striker (45) is returned to the waiting position (as shown in applicant's Fig. 8) from the bring-in position (applicant's Fig. 5), the lock canceling member (60) is restricted to a restriction canceling position (applicant's Fig. 7). These claimed limitations are described on page 7, lines 12-15 of the applicant's specification.

Because *Shimada* fails to anticipate the foregoing features recited in Claim 1, that claim is not anticipated by the cited reference. Accordingly, Claim 1 is allowable over that reference, and defendant claims 2-7 likewise are allowable.

The subject matter recited in new Claim 8 is disclosed on page 6, line 24 of the present specification. In *Shimada*, an open lever 60 is pivotably connected at its lower end to the striker base 40 as described in column 4, lines 54-56 and shown in Fig. 18 of that reference. However, *Shimada* fails to disclose a support base (21) in which the lock canceling member (60) is supported by a shaft (65) as in the present invention and as recited in new Claim 8. For that additional reason, Claim 8 is novel over *Shimada*.

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the applicant solicits a notice to that effect.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

Claim 1 is amended as follows:

1. (Amended) A drive apparatus of a trunk lid lock for a motor vehicle, comprising:

 a striker provided in one of a trunk lid and a peripheral edge portion of a trunk opening;

 a latch provided in the other of the trunk lid and the peripheral edge portion of the trunk opening; and

 a drive mechanism having a lock canceling member[,];

 [wherein the latch is engaged with the striker,] the drive mechanism [is operated] being operative when the latch is engaged with the striker so as to bring in a second member including the latch via a first member including the striker moving to a bring-in position from a waiting position, thereby closing the trunk lid[,];

 [wherein] the lock canceling member [can] being operative to move to a restricting position at which the latch is under a restricting state that the latch can not be taken out from the striker, and [an] to a restriction canceling position at which the latch is under a restriction canceling state that the latch can be taken out from the striker[,];

 the drive mechanism [drives] driving the lock canceling member from the restricting position to the restriction canceling position [at a time that] in response to

the first member [is] being returned to the waiting position from the bring-in position[,]; and

[and wherein during the period that the first member is returned to the waiting position from the bring-in position,] the lock canceling member [is] being restricted to the restriction canceling position during a period that the first member is returned to the waiting position from the bring-in position, and after returning the first member to the waiting position, the lock canceling member [can be moved] being movable from the restriction canceling position to the restricting position.

New Claim 8 is added.